

S1023/0088  
cc: Wayne



**United States Department of the Interior**

**BUREAU OF LAND MANAGEMENT**

Fillmore Field Office

95 East 500 North

Fillmore, UT 84631

<http://www.blm.gov/ut/st/en/fo/fillmore.html>



**RECEIVED**

**DEC 02 2013**

**DIV. OF OIL, GAS & MINING**

IN REPLY REFER TO:  
3809 (UTW02000)  
UTU-79862

November 29, 2013

CERTIFIED MAIL # 7012 3460 0000 6633 0540  
RETURN RECEIPT REQUESTED

Mr. Kenneth Lowder	:	
Metamining of Utah LLC	:	43 CFR 3809 - Surface Management
459 South 300 East	:	Plan of Operations
Springville, Utah 84663	:	

Plan of Operations Revision Incomplete

Your proposed mining Plan of Operations (Plan) revision for aliquot parts of section 15, Township 14 South, Range 11 West, Salt Lake Meridian; was received by the Fillmore Field Office (FFO) of the Bureau of Land Management (BLM) on September 10, 2013. The new Plan is a revision to the Plan previously submitted to the BLM. The proposed Plan was previously assigned BLM case file number UTU-79862. Please refer to this number in future correspondence. The corresponding Utah Division of Oil, Gas and Mining (UDOGM) case file number is S/023/0088.

Based on our initial review of your filing, we have determined your Plan contains most elements required for completeness, but it does not contain all information items required by the BLM surface management regulations at 43 CFR §3809.401(b). The following information must be provided in order for your Plan revision to be complete:

1. Maintenance and Public Safety – as indicated in 43 CFR §3809.420(13), hazardous sites or conditions resulting from operations shall be marked by signs, fenced, or otherwise identified to alert the public in accordance with applicable Federal and state laws and regulations. The mine site, both during periods of operation and non-operation, should be marked with signs and warnings to indicate hazards to the public.



2. Interim Management Plan – as specified in 43 CFR §3809.401(b)(5)(i), your information must include descriptions of measures to stabilize excavations and workings. Your revision includes generic specification of water bars and silt fences to limit runoff, but does not address stability of soil piles, stockpiles, and waste rock piles at the site.
3. Interim Management Plan – as specified in 43 CFR §3809.401(b)(5)(v) and (vi), you must describe plans for monitoring site conditions during periods of non-operation, a schedule of anticipated periods of temporary closure, and provisions for notification to the BLM for unplanned or extended closure periods. You have stated that “regular site visits will be made to insure no degradation is taking place.” Please provide a schedule for the regular site visits. Please also describe steps to be taken if degradation such as excessive erosion is found.
4. Temporary Occupancy – You have stated in your Plan revision that employees may stay on site occasionally. As specified under 43 CFR §3715, ‘Use and Occupancy Under the Mining Laws,’ you must provide written justifications:
  - a. As required in 43 CFR §3715.2-2, you must show that the need for a watchman or caretaker is both reasonably incident and continual. This requirement may likely be met with a simple statement, but a written justification is required.
  - b. As required in 43 CFR §3715.3-2(f), the occupancy justification must include “the estimated period of use of the structures, enclosures, fences, gates and signs, as well as the schedule for removal and reclamation when operations end.”

Please note that placement of structures such as temporary buildings or mobile homes on the site may require revisions to the financial guarantee, or reclamation bond.

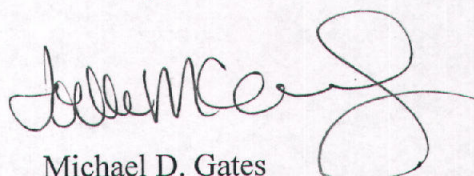
Until a complete Plan revision with the additional information is filed with this office, BLM is unable to determine if your proposed operations will result in unnecessary or undue degradation as defined under 43 CFR §3809.5.

Please submit the required information at your earliest convenience. Until we receive this information, your Plan revision cannot be completely processed and mining activity is not to take place. The Notice of Noncompliance order will be rescinded when the BLM has received the required information to completely process the Plan revision.



If you have any questions, please contact Duane Bays, BLM-FFO Natural Resource Specialist, at (435) 743-3115.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael D. Gates", with a large, stylized loop at the end.

Michael D. Gates  
Field Manager

cc:

Paul Baker

UDOGM

1594 W North Temple, Suite 1210  
Salt Lake City, UT 84114

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